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BURTON RODNEY
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P O BOX 4000
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In re Application of :
Gregory D. Vite et al :
Serial No.: 09/084,542 : PETITION DECISION
Filed: May 26, 1998 :
Attorney Docket No.: LD125b :

This letter is in response to the petition under 37 CFR 1.181, filed April 5, 2000, seeking withdrawal of abandonment based on non-receipt of an Office action.

A review of the file history shows that the Office mailed a first Office action to applicants on June 23, 1999, setting a three month shortened statutory period for response. Upon failure to receive a reply the application was held abandoned by Notice of Abandonment mailed March 29, 2000.

Applicants state that they have reviewed their files and have not discovered the Office action and provide evidence in the form of docket reports indicating due dates for responding to Office actions that they did not receive the Office action. The evidence is sufficient to show that the Office action was not received by applicants.

Applicants' petition is **GRANTED**. The Notice of Abandonment is withdrawn as of the mailing date of this decision.

The application will be returned to the examiner for prompt remailing of Office action.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600/2900, Washington, D.C. 20231, or by telephone at (703)308-3824 or by facsimile transmission at (703) 308-7922.


John Kittle
Director, Technology Center 1600/2900